

ASSEMBLY BILL

No. 1459

Introduced by Assembly Member Houston

February 21, 2003

An act to amend Section 1205 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1459, as introduced, Houston. Labor standards: local jurisdiction.

Existing law provides that where a local jurisdiction, as defined, expends funds provided to it by a state agency, as defined, or operates a program or engages in an activity that has received assistance from a state agency and the local jurisdiction has established, under its police powers, its own labor standards, as defined, those standards apply with regard to the expenditure, program, or activity, so long as the local standards do not conflict with and are not preempted by state law.

This bill would delete those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1205 of the Labor Code is amended to
2 read:

3 1205. ~~(a) As used in this section:~~

4 ~~(1) "Local jurisdiction" means any city, county, district, or~~
5 ~~agency, or any subdivision or combination thereof.~~

1 ~~(2) “State agency” means any state office, officer, department,~~
2 ~~division, bureau, board, commission, or agency, or any~~
3 ~~subdivision thereof.~~

4 ~~(3) “Labor standards” means any legal requirements regarding~~
5 ~~wages paid, hours worked, and other conditions of employment.~~

6 ~~(b) Nothing in this part shall be deemed to restrict the exercise~~
7 ~~of local police powers in a more stringent manner.~~

8 ~~(c) When a local jurisdiction expends funds that have been~~
9 ~~provided to it by a state agency, operates a program that has~~
10 ~~received assistance from a state agency, or engages in an activity~~
11 ~~that has received assistance from a state agency, labor standards~~
12 ~~established by the local jurisdiction through exercise of local~~
13 ~~police powers or spending powers shall take effect with regard to~~
14 ~~that expenditure, program, or activity, so long as those labor~~
15 ~~standards are not in explicit conflict with, or explicitly preempted~~
16 ~~by, state law. A state agency may not require as a condition to the~~
17 ~~receipt of state funds or assistance that a local jurisdiction refrain~~
18 ~~from applying labor standards established by the local jurisdiction~~
19 ~~to expenditures, programs, or activities supported by the state~~
20 ~~funds or assistance in question.~~